

PATENT



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ATTY. DOCKET: TOPP-P7.1-US

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### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO. : 10/651,583  
IN RE APPLICANT : Daniel P. Topp  
TITLE : APPARATUS FOR ERADICATING PESTS  
FILING DATE : August 29, 2003  
EXAMINER : David J. Parsley  
ART UNIT : 3643

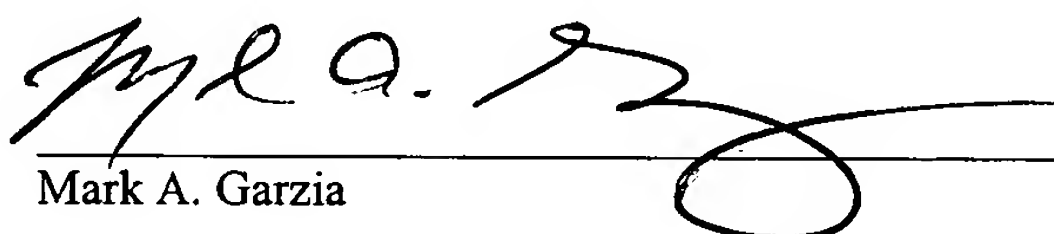
\* \* \* \* \*

#### CERTIFICATE OF MAILING

I hereby certify that this communication, along with any paper or fee indicated as being enclosed, are being deposited with the United States Postal Service as first-class mail, postage prepaid, in an envelope addressed to: Mail Stop AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on October 14, 2005.

14 OCT 2005

Date

  
Mark A. Garzia

#### TRANSMITTAL LETTER ACCOMPANYING REPLY TO OFFICE ACTION

Dear Sir:

Transmitted herewith is a Reply Pursuant to 37 CFR §1.111 (26 pgs.) that is responsive to the outstanding Office Action in the above-captioned application.

[XX] Small entity status of this application pursuant to 37 C.F.R. §1.27(b) has been established.

☐ It is believed that no extension of term is required. However, this conditional petition is being made to provide for the possibility that Applicant has inadvertently overlooked the need for a Petition for Extension of Time under 37 C.F.R. §1.136(a).

☒ Applicant petitions for an Extension of Time under 37 C.F.R. §1.136 (fees: 37 C.F.R. §1.17(a) - (d) for the total number of months checked below:

<u>Extension Months(s)</u>	<u>Fee For Other Than Small Entity</u>	<u>Fee For Small Entity</u>
<input type="checkbox"/> 1 Month	\$120.00	\$ 60.00
<input type="checkbox"/> 2 Months	\$450.00	\$225.00
<input checked="" type="checkbox"/> 3 Months	\$1,020.00	\$510.00
<input type="checkbox"/> 4 Months	\$1,590.00	\$795.00
<input type="checkbox"/> 5 Months	\$2,160.00	\$1,080.00

☐ A Terminal Disclaimer Pursuant to 37 C.F.R. § 1.321(b) and (c) is enclosed.

☐ An Assignment (    pgs.) is enclosed.

☐ Assignment Cover Sheet (1 pg.)

☐ An Information Disclosure Statement Pursuant to 37 C.F.R. §§1.56, 1.97 and 1.98 (    pgs.) is enclosed.

☐ Form PTO-1449.

☐ References

☒ Fee Transmittal for FY2005 – Form PTO/SB/17 (1 pg.) is enclosed.

☒ A postage-prepaid, self-addressed postcard for the PTO to acknowledge receipt of this communication is enclosed.

☐ Other

☐ Declaration Under 37 CFR §1.132 of \_\_\_\_\_ ( pgs.) is enclosed.

☐ Figure \_\_\_\_ with amendments marked in red ink. ( pg.) is enclosed.

☒ No additional claim fee is required.

☒ Payment is made by:

☐ Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_. Two copies of this transmittal are attached.

☐ Check No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_.00 to cover the extension fee is enclosed.

☐ The Commissioner is hereby authorized to charge any deficiency in fees associated with this communication, or credit any overpayment, to Deposit Account No. \_\_\_\_\_. Two copies of this transmittal are attached.

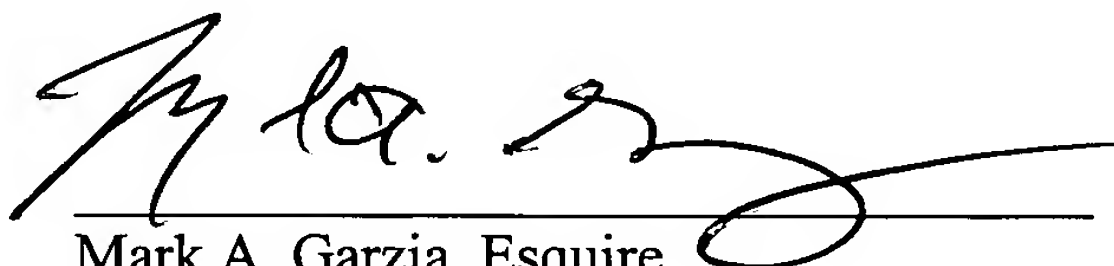
☒ Credit Card Payment Form PTO-2038 in the amount of \$510.00 (for Extension of Time) is enclosed to cover the fee due.

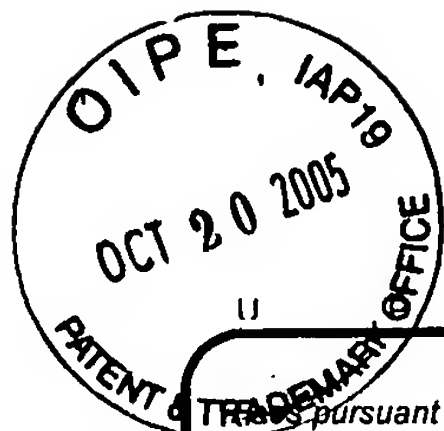
Respectfully submitted,

14 OCT 2005

Date

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Mark A. Garzia, Esquire  
Registration No. 35,517



U R 1995

Effective on 12/08/2004.

Transmitted pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

# FEE TRANSMITTAL For FY 2005

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 510.00

## Complete if Known

Application Number	10/651,583
Filing Date	August 29, 2003
First Named Inventor	Daniel P. Topp
Examiner Name	David J. Parsley
Art Unit	3643
Attorney Docket No.	TOPP-P7.1-US

## METHOD OF PAYMENT (check all that apply)

☐ Check ☒ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_  
☐ Deposit Account Deposit Account Number: \_\_\_\_\_ Deposit Account Name: \_\_\_\_\_

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee  
☐ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

## FEE CALCULATION

### 1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

### 2. EXCESS CLAIM FEES

#### Fee Description

Each claim over 20 (including Reissues)

Each independent claim over 3 (including Reissues)

Multiple dependent claims

Fee (\$)	Small Entity Fee (\$)
50	25
200	100
360	180

Total Claims 21 Extra Claims Fee (\$) Fee Paid (\$)  
21 - ~~20~~ or HP = 0 x          = 0

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims Extra Claims Fee (\$) Fee Paid (\$)  
3 - 3 or HP = 0 x          = 0

HP = highest number of independent claims paid for, if greater than 3.

Multiple Dependent Claims  
Fee (\$) Fee Paid (\$)  
0 0

### 3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets Extra Sheets Number of each additional 50 or fraction thereof Fee (\$) Fee Paid (\$)  
         - 100 = 0 / 50 =          (round up to a whole number) x          = 0

### 4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): 3 MONTH EXT. OF TIME (\$510)

Fees Paid (\$)  
510.00

## SUBMITTED BY

Signature		Registration No. (Attorney/Agent) 35,517	Telephone 610.485.9400
Name (Print/Type)	Mark A. Garzia	Date 14 OCT 2005	

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.